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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION No.162 OF 2006

Amar R. Patil & Ors. .... Applicants

Vs.

Shirish N. Vyas & Ors. ... Respondents

Mr. C. G. Gavnekar, Advocate for the Applicants.

CORAM : D. G. KARNIK, J.

DATE : SEPTEMBER 7, 2006.

P.C.

. This Revision Application is directed against the judgment and order dated 8th June, 2004 passed by the Maharashtra State Cooperative Appellate Court.

2. Dispute No. 222 of 1999 was filed by the appellants in Cooperative Court, Pune ,for a declaration that the election of the Respondent Nos. 1 to 5 to the Managing Committee of the Respondent No. 7 Cooperative Society held on 11th July, 1999 he declared to be illegal, null and void. After hearing the parties, by an order dated 24th December, 2003, the Cooperative Court Pune, held that their election as the members of the Managing Committee of the Society , held on 11th July,

1999, was null and void.

3. That decision was impugned by the Respondents by filing Appeal No. 2 of 2004. The Cooperative Appellate Court noted that the period of office of the members of the Managing Committee elected on 11th July, 1999 had expired on 11th July, 2002. The Cooperative Appellate Court, therefore, held that since the period of office had expired, the Cooperative Court unnecessary declarated the elections to be null and void. The Cooperative Appellate Court held that passing of the order after the term of the office of the Managing Committee was over, was merely academic and dispute should not have been decided by the trial Court. In view of this, the appellate Court allowed the appeal and set aside the order of the Cooperative Court.
That judgment is impugned in this Appeal.

4. I am in agreement with the view of the Cooperative Court. I am of the view that the controversy raised in this revision is

academic. The term of the office of the members of the Managing Committee, who were elected on 11th July 1999 was over on 11th July, 2002. Granting of declaration today that the elections were void is of no consequence, especially when no relief is claimed in the dispute that the actions taken by the elected members should be set aside.

5. For these reasons, the Revision Application is dismissed.

[D. G. KARNIK, J.]